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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,421	12/08/2000	Robert E. Haines	10003228-1	2077

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EXAMINER

BRASE, SANDRA L

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/733,421	HAINES, ROBERT E.	
	Examiner	Art Unit	
	Sandra L. Brase	2852	

-- The MAILING DATE of this communication appears n the cover sheet with the c rrespondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/17/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 24-30,38-43,50 and 57-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-30,38-43,50,57 and 60 is/are rejected.
- 7) ☒ Claim(s) 58, 59, 61 and 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 24-30, 57-62 objected to because of the following informalities.

On line 12 of claim 1, “of the” should be deleted.

On line 1 of claim 60, on line 1 of claim 61 and on line 1 of claim 62, “method” should be changed to “computer implemented hard copy output engine control system”.

2. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 24-29, 38-42, 57 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohtani (US 6,108,099).

5. Ohtani (...099) discloses a method of scheduling a hard copy output engine comprising: providing a hard copy output engine (20) configured to use a consumable commodity comprising: a sensor (col. 4, lines 28-33); a processor (1); a memory (3); sensing status information of a plurality hard copy output engine events (col. 4, lines 28-33); processing the status information, wherein the processing includes comparing the status information to information housed in the memory to determine if any recipients should be appointed to a task

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corresponding to an event (col. 4, lines 62-65; col. 5, lines 33-67; and figures 4 and 5); appointing a recipient to a task, the appointing comprising: composing an electronic message to the notification recipient that includes the detected status information (abstract; col. 4, line 66 – col. 5, line 1; col. 5, line 53 – col. 6, line 7; and col. 7, lines 1-15); and transmitting the electronic message from the hard copy output engine to a scheduling engine (col. 6, lines 34-36; and col. 7, lines 44-47). The appointing will schedule the recipients, where the scheduling comprises composing an electronic message that includes a description of the aspect and appoints the recipient to address the aspect (col. 4, line 66 – col. 7, line 47). A computer implemented hard copy output engine control system, the system comprising: a plurality of sensors coupled to the hard copy output engine, the sensors being configured to provide status information relating to a plurality of aspects of the hard copy output engine (col. 4, lines 28-33); and processing circuitry (1) coupled to the sensors, the processing circuitry configured to: read the sensors and detect the status of the aspects of the hard copy engine (col. 3, line 49 – col. 4, line 65; and figure 2); and selectively look up from a memory recipients corresponding to the aspects; and schedule the recipients, the scheduling comprising composing an electronic message including a description of the aspect and appointing the recipient to address the aspect (abstract; col. 4, line 66 – col. 7, line 47), and transmit the electronic message from the hard copy output engine to a scheduling engine (col. 6, lines 34-36; and col. 7, lines 44-47). The detecting status includes a toner out status (abstract; and col. 4, lines 28-29). The sensor and the processor are configured to sense and process information relating to paper inventory (col. 4, lines 62-65), out of paper (col. 4, lines 31-33) and out of consumables (col. 4, lines 28-33). Composing an electronic message includes composing the electronic message to include information including: date sent (col. 6,

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lines 10-11 and col. 7, line 19), addressee (col. 6, lines 12-13 and col. 7, lines 20-21), consumable order list (col. 6, lines 27-33; and col. 7, lines 37-43) and malfunction (col. 6, lines 60-63). The detecting status and aspects of the hard copy output engine includes: toner out (abstract; and col. 4, lines 28-33); out of paper (abstract; and col. 4, lines 28-33); and out of consumables (abstract; and col. 4, lines 28-33). The hard copy output engine can be a facsimile machine, photocopier and printer (col. 1, lines 6-11). The scheduling engine comprises transmitting an electronic message including a consumable order (col. 6, lines 27-33; and col. 7, lines 37-43).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 30, 43 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohtani (US 6,108,099) and Tarr et al. (US 5,184,179).

8. Ohtani (...099) discloses the features mentioned previously, but does not disclose sensing a future need for preventive maintenance, replacement of a component part and maintenance.

Tarr et al. (...179) disclose a hard copy output apparatus and method including sensing a future need for preventive maintenance (col. 6, lines 20-23); replacement of a component part (col. 7, line 61 – col. 8, line 55); and information relating to maintenance (col. 6, line 20-23; and col. 7,

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line 61 – col. 8, line 55). It would have been obvious to one of ordinary skill in the art at the time of the invention to sense a future need for preventive maintenance, replacement of a component part and maintenance, as disclosed by Tarr et al. (...179), so that maintenance can be properly and timely performed on the copy output engine.

Allowable Subject Matter

9. Claims 58, 59, 61 and 62 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments filed 2/17/04 have been fully considered but they are not persuasive.

11. Applicant argues that Ohtani (US 6,108,099) does not teach or suggest the limitation of appointing a recipient to a task. However, this is incorrect, as explained in the rejection above, Ohtani (...099) does disclose appointing a recipient to a task.

12. Applicant further argues that Ohtani (...099) does not teach or suggest processing circuitry configured to schedule recipients. However, this is incorrect, as explained in the rejection above, Ohtani (...099) does disclose circuitry configured to schedule recipients.

Final Rejection

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

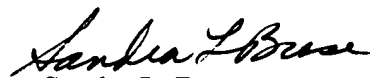
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is 571-272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase
Primary Examiner
Art Unit 2852

May 14, 2004